



THE MIME HONOURED

Partha Pratim Majumder to receive Ordre des Arts et des Lettres

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CONSTITUTIONAL AMENDMENTS

Syed Badrul Ahsan decries their past ubiquity, and cautiously welcomes the upcoming one

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ROYAL HONEYMOON BEGINS

Prince William and Catherine have gone on honeymoon

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Caretaker system declared illegal

ASHUTOSH SARKAR

The Supreme Court has declared illegal a 15-year-old constitutional provision that mandates an elected government to transfer power to an unelected non-partisan caretaker administration to oversee a new parliamentary election on completion of its term.

are not chosen as heads of caretaker governments in case the system is kept for another two parliamentary elections. A seven-member SC panel, headed by Chief Justice ABM Khairul Haque, reached the verdict on majority vote. It thus also rejected a 2004 High Court ruling that upheld the 13th amendment to the constitution which provides for a 10-member non-partisan caretaker government to take over following the dissolution of a parliament and resignation of an elected government on completion of its term.

The Election Commission in conducting the polls. The High Court ruled the system legal after a Supreme Court lawyer M Salimullah challenged the 13th amendment in January 2000 in a writ petition saying the change distorts the principle that the republic will be governed by an elected government. After Salimullah's death, another Supreme Court lawyer Abdul Mannan Khan filed an appeal in June 2005 against the High Court ruling in the Supreme Court. In its brief verdict yesterday the Supreme Court said, "The Constitution (Thirteenth Amendment) Act, 1996 (Act 1 of 1996) is unconstitutional and void ab initio."

Instrumental behind the introduction of caretaker government in 1996, the Awami League now welcomes the Supreme Court verdict that declares the system illegal. Then in power, the BNP was dead against the concept. Now in opposition, the same party appears concerned.

Ruling AL, allies BNP takes time; happy allies worried

HASAN JAHID TUSHER

STAFF CORRESPONDENT

Ruling Awami League-led grand alliance has welcomed the Supreme Court verdict that declared illegal the constitutional provision for the caretaker government. "We definitely welcome the apex court decision," AL presidium member Obaidul Quader told The Daily Star in an immediate reaction yesterday. The caretaker government system was introduced to meet a special need and it cannot be a permanent solution, Quader said. Both the AL and BNP should reach a consensus through discussion on how or under whom the general elections should be held in future, he added. Ironically, the caretaker government system was introduced in 1996 in the wake of vigorous movement led by Awami League. Quader observed that it is difficult to




BNP has decided to come up today with its formal reaction to the Supreme Court verdict on 13th amendment to the constitution that declared the caretaker government system illegal. The main opposition party's policymakers at a meeting last night chaired by Khaleda Zia reviewed the judgement and finalised their stance on it. The party will give its formal reaction to the judgement at a press conference at its central office at Naya Paltan in the city at 4:00pm. Meeting sources said Khaleda took the views of all those present at the nearly two-hour meeting that started around 9:30pm, and asked the party leaders to be strict on the existing provision of caretaker government. "Chairperson (Khaleda Zia) discussed

HIGHLIGHTS

- 13th amendment unconstitutional
- Caretaker govt may hold next 2 JS polls for 'safety'
- Keep judges out of caretaker government

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POLITICS OF FAIR POLLS & RIGGED POLLS

<p>1996</p>  <p>AL Won polls</p> <p>It's fair. Respect people's</p>	<p>2001</p>  <p>BNP Won polls</p> <p>It's free, fair. Good job by EC, CG</p>	<p>2008</p>  <p>AL Won polls</p> <p>It's free, fair, transparent. Many</p>
<p>BNP Lost polls</p> <p>Polls rigged thru' admin support</p>	<p>AL Lost polls</p> <p>It's crude rigging. No question of accepting</p>	<p>BNP Lost polls</p> <p>It's stage-managed, digitally rigged. Result</p>

No wrong in system but in politics

JULFIKAR ALI MANIK

It is ironic that political parties who brought in the caretaker government provisions in the constitution in 1996 to ensure free and fair general elections have rendered the system controversial over the years. Till now, three national elections have been held under the caretaker government system. After each of those elections, the defeated party questioned the administration's role and rejected the results, while the winning party was full of praise for the way the election was conducted. Observers at home and abroad, however, lauded the elections in 1996, 2001 and 2008, irrespective of

which party won. When Awami League won the first election under the caretaker government system in 1996, archival BNP and allies rejected the results alleging "Pukur Churi" (massive rigging). AL, on the other hand, described the polls as free and fair and asked the opponents to respect people's verdict. In 2001, BNP won the election under the second caretaker government. It praised Justice Latifur Rahman-led administration for doing a good job. But AL dismissed the results as an outcome of "Sthulo Karchupi" (crude rigging). In the third election under caretaker government in 2008, AL won a landslide. The reactions of the parties were as usual. The controversy surrounding the 13th amendment, which deals with the caretaker government system in the charter, stems mainly from the provision that requires the immediate past chief justice to be the chief adviser--the head of the caretaker government. The row between the parties grew intense in 2006 when the then government of BNP-Jamaat raised the retirement age of the Supreme Court judges to ensure Justice KM Hasan take the helm of the next caretaker government. The move pitched the country

Verdict triggers mixed reactions

Top jurists want JS to find alternative system; civil society says 'no alternative to caretaker govt'

STAFF CORRESPONDENT

Parliament has to play a responsible role in finding an alternative to the caretaker government system, said some eminent jurists of the country following the Supreme Court's nullification of the constitution's 13th amendment yesterday. Some former advisers to caretaker governments and some civil society members however think there will be no alternative to the interim government system until the political culture of the country is changed. Barrister M Amir-Ul Islam said both ruling and opposition political parties have to assist parliament in finding an alternative to making former chief justices and other former judges part of caretaker governments. If the political parties fail to do so, the responsibility will ultimately keep falling on the last retired chief justice, he said. There is no alternative to holding free and fair elections

Disband Rab if not reformed

Human Rights Watch asks govt; Home boss rules out its report

STAFF CORRESPONDENT

New York-based Human Rights Watch urged Bangladesh government to reform Rapid Action Battalion within the next six months or disband it altogether. Accusing the force of extrajudicial killings, other abuses as well as for making people disappear, the watchdog said it will call on donor countries to suspend all sorts of assistance and cooperation to the government if Bangladesh failed to take major steps for Rab accountability and reform. The organisation released a 53-page report, "Crossfire: Continued Human Rights Abuses by Bangladesh's Rapid Action Battalion", at a press conference held at the Brac Centre Inn in Mohakhali yesterday. Brad Adams, Asia Director of HRW, at the press conference said Rab has committed over 700 extrajudicial killings since its inception in March, 2004, and of them 200 crossfire killings took place during the rule of the present Awami League government. However, Home Minister Sahara Khatun ruled out the



Photojournalists stage a sit-in in front of Jatiya Press Club in the city yesterday in protest against attack on Saiful Islam, a photojournalist of Bangla daily Prothom Alo, by BNP activists during an opposition rally at Naya Paltan on Tuesday.

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